

REMARKS

This paper is filed in response to the office action mailed on June 29, 2006. Claims 1-3, 8, 28, 34, 54-55, and 57-58 have been amended; claims 11-13 have been withdrawn; claim 44 has been canceled; claims 1-10, 14-43 and 45-59 remain pending. No amendments to the specification or drawings are submitted herewith.

In the office action, the restriction requirement is made final and claims 11-13 are thereby withdrawn.

The office action then rejects claims 34-35 under Section 112 as being indefinite for use of the language "such as." In response, claim 34 is amended to traverse this rejection.

The office action also objects to the numbering of claims 48-59 as set forth in the preliminary amendment filed on November 1, 2004. The undersigned regrets this typographical error and is in agreement with the examiner's renumbering of the claims. The undersigned thanks the examiner for his efforts in this regard.

Turning to the rejections based upon the prior art, claims 1-2, 6-7, 14, 22, 25-34, 36, 38, 40-42 and 53 stand rejected under Section 102 as being anticipated by Post. In response, independent claim 1 has been amended to traverse this rejection and applicants present the following remarks traversing the rejection of independent claims 14, 22, and 28.

At the outset, under MPEP §2131,

[t]o anticipate a claim, the reference must teach every element of the claim. 'A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.'

Applicants respectfully submit that Post does not teach or suggest every element of amended claim 1 and therefore the requirements of §2131 have not been met. Specifically, claim 1 now recites a pivoting actuator lever that both releases containers from their respective pump connectors *and* that pulls containers onto their respective pump connectors. This dual-purpose actuating lever is not taught or suggested by Post. In fact, Post

does not teach an actuating lever at all but, instead, teaches a handgrip on one of the containers as shown in Figure 3 of Post. Because this handgrip is not a lever or remotely similar to a lever, the anticipation rejection of claims 1-2, 6-7 and 38 is improper and must be withdrawn.

With respect to claim 14, applicants respectfully submit that Post does not teach or suggest any receptacle positioned beneath or around any pump connector to collect fluid leaking or dripping from a pump connector. The side views of Post do not remotely suggest any type of drip catcher like the funnel-like structure shown at 27 in Figure 3 and the inclined plates shown at 45, 47 and 49 in Figures 8-9 of the present application. In fact, Post does not even address the problem of colorant dripping. Therefore, Post cannot serve as an anticipating reference for independent claim 14 or dependent claims 40, or 45.

With respect to independent claim 22, applicants also respectfully submit that this anticipation rejection based upon Post is improper and must be withdrawn. Specifically, Post in no way teaches or suggests a module that includes a pump, a connector and a container whereby the pump/connector/container module is releasably mounted to a support or turntable. Instead, Post only teaches modular containers or modular container holders. Nowhere in Post is it taught or suggested that the containers or container holders be secured with a pump and connector as a module that is separable from the turntable or support. Thus, because Post does not teach or suggest every element of independent claim 22, applicants respectfully submit that the anticipation rejection of claims 22, 25-27, 41 and 53 is improper and must be withdrawn.

With respect to independent claim 28, applicants respectfully submit that Post is also deficient. Specifically, independent claim 28 requires containers of different sizes whereby one of the containers has a larger volume than the other containers or at least one of the outer containers is in fluid connection with a container disposed towards the center of the turntable. See Figures 10 and 12 of the present application. In Post, the container sizes are uniform and therefore Post does not teach or suggest every element of independent claim 28 and the anticipation rejection of claims 28-34, 36 and 42 is improper and must be withdrawn.

Turning to the anticipation rejections based upon DeGroff, applicants respectfully submit that amended claim 8 is now allowable in light of the amendment to

claim 8, which includes the limitations of now-canceled claim 44. With claim 8 now being allowable, the anticipation rejection of claims 9-10, 51 and 52 are respectfully traversed.

With respect to claims 54-55, applicants respect placement that these claims are allowable in view of the allowability of claim 53 which depends from allowable claim 27. Thus, the rejection of claims 54-55 is respectfully traversed.

With respect to the rejection of claims 57-58, applicants respectfully submit that these claims are allowable as they depend from claim 56, which depends from allowable claim 28.

Finally, with respect to the rejection of claim 59 based upon DeGroff, applicants respectfully submit that DeGroff teaches nothing about weighing the amount of fluid dispensed into a container and confirming that the correct amount of fluid was dispensed. In stark contrast, DeGroff merely evaluates the non-linear output curved of the positive displacement of the pump by volume. See DeGroff at column 2, lines 43-57. This is not a weight measurement and therefore DeGroff teaches nothing about weighing and, accordingly, DeGroff cannot be an anticipation reference for independent claim 59.

Turning now to the Section 103 obviousness rejection of claim 35 based upon Post, applicants respectfully submit that this rejection is improper as dependent claim 35 depends indirectly upon independent claim 28 which includes limitations not taught or suggested by Post as set forth above in connection with the anticipation rejection of claim 28 based upon Post. Accordingly, under MPEP § 2142,

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Citing, In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *see also* MPEP § 2143-§ 2143.03 for decisions pertinent to each of these criteria.

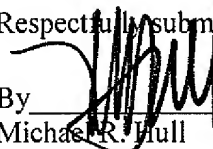
Because Post does not teach or suggest every element of independent claim 28, dependent claim 34 and dependent claim 35, applicants respectfully submit that the obviousness rejection of claim 35 is improper and must be withdrawn.

Each rejection has been addressed and applicants respectfully submit that each rejection has been traversed.

An early action indicated in the allowability of all pending claims is respectfully requested. If the examiner has any questions or comments regarding this submission, he is invited to telephone the undersigned at the number listed below.

Dated: September 29, 2006

Respectfully submitted,


By _____

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